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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 JAAMI ABDOL MOTAKABBIR,

12 Plaintiff,

13 v.

14 FEDERAL NATIONAL MORTGAGE
15 ASSOCIATION,

16 Defendant.

Case No. 12-cv-5710 NC

**REFERRAL FOR REASSIGNMENT
WITH RECOMMENDATION TO
DISMISS**

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18 On February 4, 2013, the Court issued an order to show cause why this case should
19 not be dismissed for pro se plaintiff Jaami Motakabbir's failure to file an amended
20 complaint after the Court struck the initial complaint as incomplete. Dkt. No. 5. The Court
21 further ordered plaintiff to show cause why he has yet to serve defendant in this matter and
22 why he failed to file a case management conference statement prior to the scheduled
23 February 6, 2013 case management conference. *See id.* The Court ordered plaintiff to
24 appear in person at the show cause hearing on February 20, 2013. Plaintiff failed to appear.

25 Under Federal Rule of Civil Procedure 41(b), a district court may dismiss a case sua
26 sponte for a plaintiff's failure to prosecute his case or failure to comply with court orders.
27 Fed. R. Civ. P. 41(b); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689
28 (9th Cir. 2005). Because plaintiff has not consented or declined the jurisdiction of a

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1 magistrate judge under 28 U.S.C. 636(c), the Court orders this case REASSIGNED to a
2 District Court Judge. As plaintiff has failed to prosecute this action or comply with Court
3 orders, and as this Court previously warned plaintiff that failure to prosecute would result in
4 case dismissal, the Court RECOMMENDS that the district court dismiss this action under
5 Federal Rule of Civil Procedure 41(b). Any party may file an objection to this
6 recommendation within fourteen days of the filing date of this order. *See* Fed. R. 72(b).

7 IT IS SO ORDERED.

8 Date: February 21, 2013


Nathanael M. Cousins
United States Magistrate Judge